

**The Status of the Claims**

Claims 1-2 (canceled)

3. (original) A method of fabricating a semiconductor device,  
comprising:

forming a first interlayer insulation film above a lower insulation film  
on a top surface of a semiconductor substrate where an individual element  
including lower metal wire layers is formed;

forming a first mask film and a second mask film on the first interlayer  
insulation film sequentially;

forming a first etch mask to be used to form air gaps by selectively  
etching the second mask film;

depositing a third mask film on the first etch mask and the first mask  
film;

forming a second etch mask by etching the third mask film and exposed  
the first mask film, wherein the second etch mask is made from the third mask  
film remaining on side walls of the first etch mask and the first mask film  
remaining below the first etch mask and the third mask film;

removing the first etch mask and simultaneously forming open pores in  
the first interlayer insulation film by etching the first etch mask and exposed  
the first interlayer insulator film using the second etch mask;

forming air gaps comprising closed pores in the first interlayer film at  
an interlevel between upper metal wire layers and the lower metal wire layers  
by forming a second interlayer insulation film after removing the second etch  
mask; and

forming via holes to expose the lower metal wire layers by selectively removing the first and second interlayer insulation films, filling metal material in the via holes, and forming the upper metal wire layers.

4. (original)A method as defined in claim 3, wherein the first and second interlayer insulation layers are made from TEOS family material.

5. (original)A method as defined in claim 3, wherein the first mask film have different etch rate from the second and third mask films.

6. (original)A method as defined in claim 5, wherein the first mask film is made from an oxide film.

7. (original)A method as defined in claim 5, wherein the first mask film is made from same material as the first interlayer insulator film.

8. (original)A method as defined in claim 3, wherein the second and third mask films have a substantially similar etch rate.

9. (original)A method as defined in claim 8, wherein the second and third mask films are made from a nitride film.

10. (original)A method as defined in claim 3, wherein etching to form the second etch mask is performed by isotropic etching.